

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

WISCONSIN HOUSING AND
ECONOMIC DEVELOPMENT
AUTHORITY,

(HIGHLAND COMMONS, LLC, by substitution)

Plaintiff,

v.

Case No. _____
Circuit Court Case No.
Case No. 07CV013965

TRI-CORP, HOUSING, INC.,

Defendant and Third-Party
Plaintiff,

and

COMMUNITY BANK GROUP,
f/k/a LINCOLN STATE BANK and
f/k/a LINCOLN COMMUNITY BANK;
RELIABLE WATER SERVICES, LLC;
MILWAUKEE COUNTY HOME REPAIR; and
ZIGNEGO READY MIX, INC.

Added Defendant(s)

v.

WISCONSIN HOUSING AND
ECONOMIC DEVELOPMENT
AUTHORITY and
ROBERT BAUMAN, ALDERMAN

Third-Party Defendants.

NOTICE OF REMOVAL OF THIRD-PARTY DEFENDANT ROBERT BAUMAN

The sole remaining third-party defendant, Robert Bauman, by Grant F. Langley, City Attorney, by Assistant City Attorney Jan A. Smokowicz, pursuant to 28 U.S.C. §1446, hereby removes the above-captioned action from state court to this court, based upon the following grounds:

1. The above-captioned action was filed in the Circuit Court for Milwaukee County, State of Wisconsin, Milwaukee County Case No. 07-CV-013965, and is now pending in that court. Process, consisting of an amended third-party complaint, was served upon the third-party defendant, Robert Bauman, on February 3, 2012.

2. The action is a civil action which for the first time in the amended third-party complaint includes an allegation against Robert Bauman of a violation of the United States Constitution for which the third-party plaintiff seeks redress under 42 U.S.C. §1983, and for which this Court has original jurisdiction under 28 U.S.C. §1331.

3. The third-party defendant is entitled to remove the above-captioned action from the state court to this Court pursuant to 28 U.S.C. §1446(a).

4. As a result of earlier decisions and judgments in the state court action, the claims of the plaintiff, Wisconsin Housing and Economic Development Authority (WHEDA), against the defendant, Tri-Corp Housing, Inc. (Tri-Corp), have resulted in final judgment for WHEDA, all other claims made by Tri-Corp against WHEDA have been dismissed, all but one of Tri-Corp's claims against the third-party defendant Bauman had also been dismissed, and so the sole remaining claims to be litigated are those set forth in the amended third-party complaint.

5. Copies of all process and pleadings served upon Bauman and Bauman's answer thereto are attached and filed herewith as Attachment A.

6. The decisions of the Wisconsin Court of Appeals relating to WHEDA's claims against Tri-Corp, Tri-Corp's claims against WHEDA, and Tri-Corp's claims against Bauman are also attached and filed herewith as Attachment B.

Dated at Milwaukee, Wisconsin this 1st day of March, 2012.

GRANT F. Langley
City Attorney

ADDRESS
800 City Hall
200 East Wells
Milwaukee, WI 53202
(414) 286-2601
Fax: (414) 286-8550

s/Jan A. Smokowicz
JAN A. SMOKOWICZ
Assistant City Attorney
State Bar No. 01008429
Attorneys for Third-Party Defendant
Robert Bauman
jsmoko@Milwaukee.gov

1033-2008-967:178558